



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Docket No.: 014058-012830US
Client Ref. No.: 135 C3

On January 15, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Lois M. Simón

Lois M. Simón

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David A. Johnson, et al.

Application No.: 09/905,160

Filed: July 12, 2001

For: AMINOALKYL GLUCOSAMINE
PHOSPHATE COMPOUNDS AND
THEIR USE AS ADJUVANTS AND
IMMUNOEFFECTORS

Examiner: Park

Art Unit: 1648

RESPONSE UNDER 37 CFR 1.116 AND
TERMINAL DISCLAIMER

EXPEDITED PROCEDURE
EXAMINING GROUP 1648

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is filed in response to the Office Action dated November 17, 2003, which contained a Final Rejection of claims.

Claims 50 and 51 are objected to as duplicative of claims 52 and 53. However, the claims are not duplicative. Claims 50 and 51 are dependent on claim 27 and are directed to solid compositions that contain pharmaceutically acceptable salts of active compounds, whereas claims 52 and 53 are directed to solid compositions that contain the active compounds themselves.

Withdrawal of the objection is respectfully requested.

All claims stand rejected for obviousness-type double patenting over the claims of two patents. The examiner takes that position that the claimed salts are not patentably distinct from the claimed compounds or compositions of the two patents in question.

While Applicants do not agree with this position, a Terminal Disclaimer is submitted herewith in order to expedite issuance of a patent on this application.

CONCLUSION

In view of the foregoing, Applicants David A. Johnson, et al. submit that all claims herein are allowable and request issuance of a Notice of Allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JA:ja